

Exhibit 9

(Letter from DiBianca to Anglade, dated July 15, 2006)

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July 15, 2006

BY E-MAIL

Woody Anglade
Trial Attorney
U.S. Equal Employment Opportunity Commission
Philadelphia District Office
21 South 5th Street, Suite 400
Philadelphia, PA 19106-2515

Re: EEOC v. BE&K; C.A. No. 05-697-KAJ

Dear Woody:

At John Trexler's deposition, you attempted to question Mr. Trexler about time records that had been produced as D3324 – D3699 (the "Time Records"). The purpose of the questioning was to verify the data contained in the Project Charts that Mr. Trexler created, which were subsequently produced as D3251 (the "2003 Chart") and D3324 (the "2004 Chart") (collectively, the "2003 and 2004 Charts").

During his deposition, Mr. Trexler was unable to explain the Time Records, as they had been generated in a format with which he was unfamiliar. At that time, you and I agreed that Defendant would attempt to produce the necessary data in a format that would allow its reader to verify the 2003 and 2004 Charts. Since then, we have spoken again to clarify the best way to produce the data, given the limited options available.

After getting additional information, I have concluded that the Time Records contain all of the required data to verify the factual accuracy of the 2003 and 2004 Charts. The Time Records actually contain three separate reports, only one of which is useful for the required task.

The first report is found at D3373 – DD3414. This report shows time charges for Process employees, listed by client, for the period of October 2003 through December 31, 2004. The report does not contain the individual project names or descriptions (i.e., Relief Device project), only the client names, such as Motiva, or DuPont. Because the report does not provide the name of the project, it cannot be matched to the 2003 and 2004 Charts, which uses project and client names.

The second report is found at D3415 – D3524. This report is identical to the one described above except for the period covered. This report shows the same data for the period of

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January 2003 through the end of September 2003. As you may recall, Defendant switched to a different time-keeping system in October 2003 and, therefore, data prior to this time had to be extracted from an archived file.

The third report is found at D3525 – D3699. This report contains the information needed to verify the data contained in the 2003 and 2004 Project Charts. The report is sorted by employee and identifies the project name, as well as the dates on which the employee charged time to the project. The report contains data for the period of October 2003 through December 2004. AllStates employees are also contained in this report, beginning with D. Poprik at D3672.

The data in the third report can be used to verify the 2003 and 2004 Project Charts and, therefore, satisfies the request for production. However, I realize that you may need further explanation of the codes and abbreviations used in the chart before being able to do a full comparison. There are various ways to accomplish this, but I would like to proceed as expeditiously as possible, considering the expiration of the discovery period.

One option would be for us to speak over the phone so that I may explain the layout and codes and so that you may make as many inquiries as needed at the same time. I believe this is the quickest way for you to get the information you need. Another option would be to provide you with a written explanation of the various codes, which could then be filed with the court as a supplemental response to Plaintiff's document request, thereby providing the Commission with a formal discovery document.

I am out of the office for the week of July 17, 2004 with the exception of the afternoon of Wednesday, July 19, 2004. However, I will be available via e-mail and telephone at (302) 494-3369. At your earliest convenience, please advise me as to how you would prefer to handle this final discovery issue.

Sincerely yours,



Margaret M. DiBianca

MMD:y